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PROPOSED NEW LANGUAGE IS UNDERLINED. THE FEE SCHEDULE FOR INDUSTRIAL AND PRIVATE/STATE OWNED WASTEWATER FACILITIES HAS BEEN REVISED.

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DECEMBER 1990

Chapter 173-224 WAC

WASTEWATER DISCHARGE PERMIT FEES

WAC

- 173-224 -015 Purpose and Authority.
- 173-224 -020 Applicability.
- 173-224 -030 Definitions.
- 173-224 -040 Permit fee schedule.
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- 173-224 -080 Transfer of ownership or control.
- 173-224 -090 Small discharger business permit fee reduction.
- 173-224 -100 Administrative appeals to the department.
- 173-224 -110 Deposits.
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173-224-015 PURPOSE. The purpose of this chapter is to establish a fee system for state waste discharge and NPDES permits issued by the department pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. RCW 90.48.465 requires the department to charge fees to fully recover, but not exceed the costs of the permit program based on expenses incurred in the issuance and administration of state waste discharge and NPDES permits. The department shall continue to examine the feasibility of adopting, when applicable, alternative permit fee systems. Any alternative fee system, such as variable permit fees, shall ensure continued full recovery of eligible program costs and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants.

173-224-020 APPLICABILITY. This chapter applies to all persons holding a state waste discharge or NPDES permit issued by the department pursuant to RCW 90.48.160, 90.48.162 or 90.48.260, including persons holding permits that remain in effect under WAC 173-216-040, WAC 173-220-180(5), or RCW 90.48.200.

173-224-030 DEFINITIONS. (1) "Administrative Expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162 and 90.48.260. Fees for hazardous waste clean up sites may be adjusted retrospectively based on cost accounting for such sites as provided for under the provisions of RCW 90.48.465.

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(19) "Fin Fish Rearing and Hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

(20) "Flavor Extraction" means the recovery of flavors or essential oils from vegetable products.

(21) "Food Processing" means the preparation of food for human or animal consumption or the preparation of animal by-products, but exclusive of crop preparing. This category includes but is not limited to fruit and vegetable processing, meat and poultry products processing, dairy products processing, seafood processing, beer and wine production, rendering and animal feed production. Food processing wastewater treatment plants which treat wastes from only one separately permitted food processor shall be treated as one facility for billing purposes.

(22) "GPD" means the maximum daily flow or maximum monthly average flow in gallons per day as specified in the waste discharge permit.

(23) "Gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers. Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

(a) Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

(b) Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

(c) Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from gross revenue.

(d) Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

(e) Connection charges.

(f) Revenues from sales of by-products such as sludge, processed wastewater, etc.

(24) "Hazardous waste clean up sites" means hazardous waste sites which have a waste discharge permit but at which the department has not commenced cost recovery under RCW 70.105(D).050(3).

(25) "Industrial Facility" means any facility not included in definition of municipal/domestic Facility.

(26) "MGD" means permitted flow expressed in million gallons per day.



(37) "State Waste Discharge Permit" means a permit required under Chapter 173-216 WAC.

WAC 173-224-040 PERMIT FEE SCHEDULE. (1) Industrial facility categories.

(2) Municipal/domestic categories.

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>CURRENT ANNUAL FEE</u>	<u>PROPOSED ANNUAL FEE</u>
Aluminum Alloys	\$ 5,000.00	<u>\$ 13,100.00</u>
Aluminum and Magnesium Reduction Mills	30,000.00	<u>78,600.00</u>
Aluminum Forming	15,000.00	<u>39,300.00</u>
Aggregate Production		
a. Mineral Mining (Sand, Gravel and Rock)		
1. Mining only	500.00	<u>1,310.00</u>
2. Mining with classification (screening and/or crushing)	1,000.00	<u>2,620.00</u>
3. Mining with classification and washing	1,500.00	<u>3,930.00</u>
b. Concrete and/or Asphalt Production		
1. < 20,000 cu. yds/yr	300.00	<u>786.00</u>
2. 20,000 - < 60,000 cu. yds/yr	500.00	<u>1,310.00</u>
3. 60,000 - < 100,000 cu. yds/yr	750.00	<u>1,965.00</u>
4. 100,000 - < 150,000 cu. yds/yr	1,000.00	<u>2,620.00</u>
5. 150,000 - < 200,000 cu. yds/yr	1,500.00	<u>3,930.00</u>
6. 200,000 - < 250,000 cu. yds/yr	2,000.00	<u>5,240.00</u>
7. 250,000 cu. yds/yr and greater	2,500.00	<u>6,550.00</u>
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mineral mining and the concrete and/or asphalt production subcategories.		
Coal Mining and Preparation		
a. < 200,000 tons per year	2,000.00	<u>5,240.00</u>
b. 200,000 - < 500,000 tons per year	4,500.00	<u>11,790.00</u>
c. 500,000 - < 1,000,000 tons per year	8,000.00	<u>20,960.00</u>
d. 1,000,000 tons per year and greater	15,000.00	<u>39,300.00</u>
Combined Industrial Waste Treatment		
a. < 10,000 gpd	1,000.00	<u>2,620.00</u>
b. 10,000 - < 50,000 gpd	2,500.00	<u>6,550.00</u>
c. 50,000 - < 100,000 gpd	5,000.00	<u>13,100.00</u>
d. 100,000 - < 500,000 gpd	10,000.00	<u>26,200.00</u>
e. 500,000 gpd and greater	15,000.00	<u>39,300.00</u>
Comb. Food Processing Waste Treatment Facilities	5,000.00	<u>13,100.00</u>

Hazardous Waste Clean Up Sites (See definition under WAC 173-224-030(24).)	20,000.00	<u>52,400.00</u>
Inorganic Chemicals Manufacturing		
a. Lime Products	2,500.00	<u>6,550.00</u>
b. Fertilizer	3,000.00	<u>7,860.00</u>
c. Peroxide	4,000.00	<u>10,480.00</u>
d. Alkaline Earth Salts	5,000.00	<u>13,100.00</u>
e. Metal Salts	7,000.00	<u>18,340.00</u>
f. Acid Manufacturing	10,000.00	<u>26,200.00</u>
g. Chlor-alkali	20,000.00	<u>52,400.00</u>
Iron and Steel		
a. Foundries	5,000.00	<u>13,100.00</u>
b. Mills	10,000.00	<u>26,200.00</u>
Metal Finishing		
a. < 1,000 gpd	600.00	<u>1,572.00</u>
b. 1,000 - < 10,000 gpd	1,000.00	<u>2,620.00</u>
c. 10,000 - < 50,000 gpd	2,500.00	<u>6,550.00</u>
d. 50,000 - < 100,000 gpd	5,000.00	<u>13,100.00</u>
e. 100,000 - < 500,000 gpd	10,000.00	<u>26,200.00</u>
f. 500,000 gpd and greater	15,000.00	<u>39,300.00</u>
Non-Contact Cooling Water		
a. < 1,000 gpd	100.00	<u>262.00</u>
b. 1,000 - < 10,000 gpd	500.00	<u>1,310.00</u>
c. 10,000 - < 50,000 gpd	1,000.00	<u>2,620.00</u>
d. 50,000 - < 100,000 gpd	2,000.00	<u>5,240.00</u>
e. 100,000 - < 1,000,000 gpd	4,000.00	<u>10,480.00</u>
f. 1,000,000 - < 10,000,000 gpd	6,000.00	<u>15,720.00</u>
g. 10,000,000 gpd and greater	8,000.00	<u>20,960.00</u>
Non Ferrous Metals Forming	5,000.00	<u>13,100.00</u>
Ore Mining		
a. Ore mining	1,000.00	<u>2,620.00</u>
b. Ore mining with physical concentration processes	2,000.00	<u>5,240.00</u>
c. Ore mining with physical and chemical concentration processes	8,000.00	<u>20,960.00</u>
Organic Chemicals Manufacturing		
a. Fertilizer	5,000.00	<u>13,100.00</u>
b. Aliphatic	10,000.00	<u>26,200.00</u>
c. Aromatic	15,000.00	<u>39,300.00</u>
Petroleum Refining		
a. < 10,000 bbls/d	10,000.00	<u>26,200.00</u>
b. 10,000 - < 50,000 bbls/d	20,000.00	<u>52,400.00</u>
c. 50,000 bbls/d and greater	40,000.00	<u>104,800.00</u>

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Timber Products

a. Log Storage	1,000.00	<u>2,620.00</u>
b. Veneer	2,000.00	<u>5,240.00</u>
c. Sawmills	4,000.00	<u>10,480.00</u>
d. Hardwood, Plywood	7,000.00	<u>18,340.00</u>
e. Wood Preserving	10,000.00	<u>26,200.00</u>

Vehicle Maintenance, Warehouse and Freight Transfer

a. < 0.5 acre	1,000.00	<u>2,620.00</u>
b. 0.5 - < 1.0 acre	2,000.00	<u>5,240.00</u>
c. 1.0 acre and greater	3,000.00	<u>7,860.00</u>

Water Plants

a. Potable water treatment	1,250.00	<u>3,275.00</u>
b. Irrigation water treatment	750.00	<u>1,965.00</u>

(a) Facilities other than those in the aggregate production, crop preparing, or shipyard categories which operate within several fee categories or subcategories will be charged for that category or subcategory with the highest fee.

(b) Facilities covered by general permits will be charged 70% of the fee category which they would otherwise belong.

(c) Industries with permitted discharges of 800 gpd or less will pay an annual fee of (\$150.00) \$393.00.

(d) The annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence which uses nine hundred cubic feet of water per month.

(e) To verify information relevant to the determination of fees, the department may require industrial and commercial permittees to submit a form certifying annual production or unit processes. When required, the form must be completed and returned to the department within thirty days after it is mailed to the permittee by the department.

(i) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership; by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify the information contained in the form and, if it determines that the permit holder has made false or inaccurate statements, may in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(f) Fees for crop preparers discharging noncontact cooling water only shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water categories.

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(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any such amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities differing single-family residential user charges, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities differing single-family residential user charges, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a charge per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user charge for a single-family residence. If the other municipality does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user charge for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user charge is calculated by multiplying by six the bimonthly user charge for a single-family residence using one thousand eight hundred cubic feet of water per two month period. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the charge used in these calculations must be that which applies to the largest number of single-family residential customers.

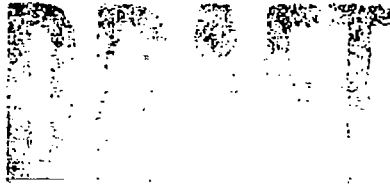
173-224-050 PERMIT FEE PAYMENTS. (1) Permit fee computation. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department receives an application. Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, on the date of termination. Computation shall end on the expiration date of a permit only if a permit holder has indicated to the department in writing that the permitted activity has been terminated.

(2) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department thirty days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. In cases where a new permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the department shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.

(3) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology", and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98503-5128.

(4) In the event a check is returned due to insufficient funds, the permit fee shall be deemed to be unpaid.

(5) Penalty due on delinquent accounts. The department shall charge permit holders a penalty on fee charges that have not been paid by the due date indicated on the billing statement at the rates of: (a) fifteen percent of the assessed fee for the first thirty days late; (b) twenty-five percent of the assessed fee for between thirty-one days late and sixty days late; (c) fifty percent of the assessed fee for between sixty-one days late and ninety days late. Failure to pay fees and penalties after ninety days may result in termination of the permit or the exercise of such other legal or equitable remedies that Ecology is authorized to carry out, including but not limited to the assessment of additional penalties. Civil penalties issued by the department may be sufficiently large to offset the economic benefit gained from nonpayment of fees and to deter continued operation and/or nonpayment. Payment of civil penalties shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the penalty. Nothing herein shall be interpreted as restricting the authority of the department to exercise its other enforcement remedies as authorized by law.



173-224-080 TRANSFER OF OWNERSHIP OR CONTROL. The department shall charge permit fees from the permit holder on record with the department. In the event that ownership or control of a permitted facility or activity is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous permit holder, and the department shall not refund fees charges prospectively in the event of a transfer. Fees paid by a previous permit holder shall be deemed to satisfy the corresponding fee payment requirements of a new permit holder. Agreements between a new and previous permit holder are not binding on the department.

173-224-090 SMALL DISCHARGER BUSINESS FEE REDUCTION. A small business required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

- (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
- (b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);
- (c) Have fifty or fewer employees; and
- (d) Have annual sales of five hundred thousand dollars or less of the goods or services produced using the processes regulated by the waste discharge permit.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

- (a) In the case of a corporation, by an authorized corporate officer;
- (b) In the case of a limited partnership, by an authorized general partner;
- (c) In the case of a general partnership, by an authorized partner;
- (d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under this subsection (1) of this section shall be reduced to the greater of: (a) Fifty percent of the permit fee; or (b) Six hundred fifty-five dollars.